

The Honorable Lauren King  
Magistrate Theresa L. Fricke

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SABRINA MARIE KENDALL,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF  
CORRECTIONS, et. al.,

State

Defendants.

NO. 3:21-cv-05502-LK-TLF

STATE DEFENDANTS' ANSWER TO  
PRISONER CIVIL RIGHTS  
COMPLAINT

AND JURY DEMAND

I. INTRODUCTION

Defendants WASHINGTON STATE DEPARTMENT OF CORRECTIONS, an agency of the state of Washington, STEPHEN SINCLAIR, DEBORAH "JO" WOFFORD, LISA ANDERSON-LONGANO, M.D., and PAUL CLARK (collectively State Defendants), in answer to Plaintiff's complaint, admit, deny, and allege as follows as to each sequentially numbered paragraph beginning on page 12:

## **II. NATURE OF THE ACTION**

1. State Defendants ADMIT that Plaintiff is asserting causes of action pursuant to the Americans with Disabilities Act of 1990 (ADA), the Rehabilitation Act of 1973, and 42 U.S.C. § 1983, but DENY all other allegations contained in paragraph 1.

2. State Defendants ADMIT that Plaintiff is currently incarcerated at the Washington Corrections Center for Women (WCCW), that she was previously temporarily transferred to the custody of Yakima County for a portion of her penal sentence, and that she has at times experienced health conditions that were addressed with a wheelchair, but DENY all other allegations contained in paragraph 2.

### **III. JURISDICTION AND VENUE**

3. State Defendants ADMIT that Plaintiff is asserting causes of action pursuant to the ADA, the Rehabilitation Act of 1973, and 42 U.S.C. § 1983, but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in paragraph 3 and therefore DENY the same.

4. State Defendants ADMIT the allegations contained in paragraph 4.

#### IV. PARTIES

5. State Defendants ADMIT that Plaintiff is currently incarcerated at WCCW; the remaining allegations contained in paragraph 5 constitute conclusions of law to which no response is required, but to the extent one may be deemed necessary, State Defendants DENY the same.

6. State Defendants ADMIT the allegations contained in paragraph 6.

7. State Defendants ADMIT the allegations contained in paragraph 7.

8. State Defendants ADMIT that Stephen Sinclair is sued in his official capacity, is a former Secretary of the Washington State Department of Corrections (DOC) and as such was one of multiple civil servants responsible for the overall oversight, operation, and administration

1 of the State's correctional system, but are without sufficient knowledge or information to form  
 2 a belief as to the truth of the remaining allegations contained in paragraph 8, some of which are  
 3 legal conclusions not requiring a response, and therefore DENY the same.

4 9. State Defendants are without sufficient knowledge or information to form a belief  
 5 as to the truth of the allegations contained in paragraph 9 and therefore DENY the same.

6 10. State Defendants ADMIT that Deborah "Jo" Wofford is a Gender Responsive  
 7 Administrator for DOC and was formerly a Superintendent at WCCW, but are without sufficient  
 8 knowledge or information to form a belief as to the truth of the remaining allegations contained  
 9 in paragraph 10 and therefore DENY the same.

10 11. State Defendants ADMIT that Christina Freeburg is sued in her official capacity,  
 12 but are without sufficient knowledge or information to form a belief as to the truth of the  
 13 allegations contained in paragraph 11, some of which are legal conclusions not requiring a  
 14 response, and therefore DENY the same.

15 12. State Defendants ADMIT that Lisa Anderson-Longano, M.D. was a Physician 3  
 16 at WCCW, but are without sufficient knowledge or information to form a belief as to the truth  
 17 of the remaining allegations contained in paragraph 12 and therefore DENY the same.

18 13. State Defendants ADMIT that Paul Clark was a Health Services Manager 1 for  
 19 DOC, and has since been promoted to a Health Services Manager 3, but are without sufficient  
 20 knowledge or information to form a belief as to the truth of the remaining allegations contained  
 21 in paragraph 13 and therefore DENY the same.

## 22 V. FACTS

23 14. State Defendants are without sufficient knowledge or information to form a belief  
 24 as to the truth of the allegations contained in paragraph 14 and therefore DENY the same.

25 15. State Defendants ADMIT that Plaintiff was furnished a bariatric wheelchair by  
 26 the State, but are without sufficient knowledge or information to form a belief as to the truth of  
 27 the remaining allegations contained in paragraph 15 and therefore DENY the same.

1       16. DENY.

2       17. State Defendants ADMIT that on or about 26 July 2018, custody of Plaintiff was  
3 temporarily transferred from WCCW to the Yakima County, but are without sufficient  
4 knowledge or information to form a belief as to the truth of the remaining allegations contained  
5 in paragraph 17 and therefore DENY the same.

6       18. State Defendants are without sufficient knowledge or information to form a belief  
7 as to the truth of the allegations contained in paragraph 18 and therefore DENY the same.

8       19. State Defendants are without sufficient knowledge or information to form a belief  
9 as to the truth of the allegations contained in paragraph 19 and therefore DENY the same.

10      20. State Defendants are without sufficient knowledge or information to form a belief  
11 as to the truth of the allegations contained in paragraph 20 and therefore DENY the same.

12      21. State Defendants are without sufficient knowledge or information to form a belief  
13 as to the truth of the allegations contained in paragraph 21 and therefore DENY the same.

14      22. State Defendants are without sufficient knowledge or information to form a belief  
15 as to the truth of the allegations contained in paragraph 22 and therefore DENY the same.

16      23. State Defendants ADMIT that Plaintiff authored a letter dated 18 August 2018  
17 addressed to Stephen Sinclair and describing a variety of what she perceived to be safety  
18 concerns in Yakima County facilities, but are without sufficient knowledge or information to  
19 form a belief as to the truth of the remaining allegations contained in paragraph 23 and therefore  
20 DENY the same.

21       24. DENY.

22      25. State Defendants are without sufficient knowledge or information to form a belief  
23 as to the truth of the allegations contained in paragraph 25 and therefore DENY the same.

24      26. State Defendants are without sufficient knowledge or information to form a belief  
25 as to the truth of the allegations contained in paragraph 26 and therefore DENY the same.

27. State Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 27 and therefore DENY the same.

## VI. CLAIMS

28. To the extent paragraph 28 seeks to incorporate the assertions of prior paragraphs, State Defendants answer correspondingly to each as set forth above.

29. DENY.

30. To the extent paragraph 30 seeks to incorporate the assertions of prior paragraphs, State Defendants answer correspondingly to each as set forth above.

31. State Defendants ADMIT that DOC receives funding from the federal government, but DENY all other allegations contained in paragraph 31.

32. State Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 32 and therefore DENY the same.

33. To the extent paragraph 33 seeks to incorporate the assertions of prior paragraphs, State Defendants answer correspondingly to each as set forth above.

34. DENY.

35. DENY.

36. To the extent paragraph 36 seeks to incorporate the assertions of prior paragraphs, State Defendants answer correspondingly to each as set forth above.

37. DENY.

38. DENY.

## VII. RELIEF DEMANDED

1. State Defendants DENY that Plaintiff is entitled to any of the relief sought by the second paragraph numbered 1.

2. State Defendants DENY that Plaintiff is entitled to any of the relief sought by the second paragraph numbered 2.

3. State Defendants DENY that Plaintiff is entitled to any of the relief sought by the second paragraph numbered 3.

## **VIII. AFFIRMATIVE DEFENSES**

By way of FURTHER ANSWER and FIRST AFFIRMATIVE DEFENSE, State Defendants allege that Plaintiff's complaint has failed to state a claim upon which relief may be granted.

By way of FURTHER ANSWER and SECOND AFFIRMATIVE DEFENSE, State Defendants allege that Plaintiff's claims are barred by the statute of limitations.

By way of FURTHER ANSWER and THIRD AFFIRMATIVE DEFENSE, State Defendants allege that if Plaintiff suffered any damages, recovery therefor is barred or limited by her failure to mitigate such damages.

By way of FURTHER ANSWER and FOURTH AFFIRMATIVE DEFENSE, State Defendants allege that the State of Washington, its agencies and agents, including each of the individual State Defendants, are not subject to civil suit for damages under the Eleventh Amendment of the Constitution of the United States.

By way of FURTHER ANSWER and FIFTH AFFIRMATIVE DEFENSE, State Defendants allege that the claims alleged under 42 U.S.C. § 1983 against each of Stephen Sinclair, Deborah “Jo” Wofford, Lisa Anderson-Longano, M.D., and Paul Clark are barred by the doctrine of qualified immunity.

By way of FURTHER ANSWER and SIXTH AFFIRMATIVE DEFENSE, State Defendants allege that the injuries and damages claimed by Plaintiff were proximately caused by the fault of a party for whom State Defendants are not responsible.

By way of FURTHER ANSWER and SEVENTH AFFIRMATIVE DEFENSE, State Defendants allege that Plaintiff failed to file a claim against the State of Washington as required by RCW 4.92.100 and 4.92.110 with respect to State law claims alleged.

1 By way of FURTHER ANSWER and EIGHTH AFFIRMATIVE DEFENSE, State  
2 Defendants allege that Plaintiff failed to exhaust her administrative remedies as required by the  
3 Prison Litigation Reform Act of 1996.

4 WHEREFORE, State Defendants pray that Plaintiff's complaint be dismissed with  
5 prejudice, that Plaintiff take nothing by her complaint, and that State Defendants be allowed their  
6 costs and reasonable attorney fees herein. In the event this case proceeds to trial, State Defendants  
7 demand that this case be tried to a jury.

8 DATED this 21st day of December, 2021.

9 ROBERT W. FERGUSON  
10 Attorney General

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20 Attorney for State Defendants

## **DECLARATION OF SERVICE**

I declare that on this 21st day of December 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing, and a copy was sent by U.S. mail, postage prepaid, to the following:

Sabrina Marie Kendall, DOC #729655  
Washington Corrections Center for Women  
9601 Bujacich Road  
Gig Harbor, Washington 98332

DATED this 21st day of December 2021.

**ROBERT W. FERGUSON**  
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